

82-171-I

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March 1, 1983

Mr. David H. Bastian
Chief Field Representative
Police Standards and Training Council
15 Fan Road
Concord, New Hampshire 03301

Re: Applicability of RSA Ch. 105-A Training Requirements
to Safety Inspectors of the Department of Safety

Dear Mr. Bastian:

By memorandum dated December 23, 1982, you have asked whether safety inspectors within the Department of Safety who perform the "limited police powers" listed in RSA 106-A:4-a, as amended, are subject to the training and certification requirements of RSA Ch. 105-A. It is my opinion that the answer to your question is "no."

Like the boat inspectors considered in Assistant Attorney General Deborah J. Cooper's opinion of March 17, 1980, a safety inspector within the Department of Safety is not an "appointed employee of a police department or sheriff's department or the fish and game department," and is therefore not a "police officer" within the meaning of RSA 105-A:2, I (Supp. 1981). In addition, however, as you suggest, a safety inspector does not have general law enforcement or crime prevention authority within the meaning of that section. The New Hampshire Supreme Court has specifically held that safety inspectors, in contrast to "trooper safety investigators" in the Division of State Police, are not police officers within the meaning of RSA 105-A:2, I (Supp. 1981). Pearl v. Personnel Commission, 117 N.H. 12, 14 (1977).



If further questions arise, please let me know.

Very truly yours,

Betsy S. Westgate

Betsy S. Westgate
Assistant Attorney General
Division of Legal Counsel

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